

**DRAFT****Section 5**

*Comments about this document. Paragraph numbers have been omitted, but will be included in the final issuance. For ease in referencing specific locations when providing comments, line numbers have been included. Those line numbers are consecutive from the beginning to the end of this section; so a reference to Section 5, line 53 will indicate the precise location in Section 5 that any comments may refer to. The number in brackets ([]) refers to either the corresponding paragraph in the Domestic Tender of Service or the International Tender of Service; generally, though, the number refers to the ITOS paragraph.*

**Approval. [old 5.10]****Filling of Application. [old 5.10.1 and 5.10.2 and 5.10.2.1]**

Unless otherwise specified by the PMO, a participant or agent filing for approval in accordance with the TOS Section 2 must file its application for approval in accordance with the dates specified in the application instructions. To be considered timely filed, the application must be received at the address specified in TOS Section 2. Receipt at any other address of the General Services Administration will not constitute receipt by the PMO.

**Filling of Supplemental Information. [old 5.10.3]****Non-Financial Information. [old 5.10.3.1]**

In the event the PMO determines that the non-financial material submitted is deficient, the applicant will be notified by certified mail dated no later than February 1 to provide the supplemental information. A participant required to submit supplemental information must do so no later than the due date specified in the request. To be considered timely filed the supplemental information must be received at the address specified in HTOS Paragraph 2-2 . Receipt at any other address of the General Services Administration will not constitute receipt by the PMO.

**Financial Information. [old 5.10.3.2]**

Supplemental financial material will not be requested or accepted.

**Notice of Action on Application. [old 5.10.4]****Approved Applicants, no Supplemental Information Requested. [old 5.10.4.1]**

Applicants approved without a request for supplemental information will be notified by certified mail dated no later than February 1 of the year following submission of the application.

**Approved Applicants, Supplemental Information Requested. [old 5.10.4.2]**

Applicants approved subsequent to a request for supplemental information will be notified by certified mail dated no later than June 1 of the year following submission of the application.

**Non-Approved Applicants. [old 5.10.4.3]****Non-Approved Applicants on Non-Financial Basis. [old 5.10.4.3.1]**

Applicants' applications not approved on a non-financial basis will be notified by certified mail dated no later than June 1 of the year following submission of the application.

**Non-Approval on Financial Basis. [old 5.10.4.3.2]**

Applicants' applications not approved on a financial basis will be notified by certified mail dated no later than February 1 of the year following submission of the application.

**Restructuring of Scope of Operations. [old 5.10.5]****Time of Request. [old 5.10.5.1]**

A request for restructuring of a participant's approved scope of operation based on changes in traffic patterns may be submitted at any time during the fifth anniversary year and subsequent fifth anniversary years. Formal requests, as opposed to the notice of intent to request, received by GSA prior to or after the anniversary year will be rejected.

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**Notice of Intent. [old 5.10.5.2]**

A notice of intent to request a restructure of a participant's scope of operation may be presented to the PMO at any time in the calendar year prior to the anniversary year or during the anniversary year.

**Establishment of Pickup Date. [old 5.13]**

Participants will be provided at least five (5) working days advance notice when tendered shipments. The participant and RTO will agree to a pickup date. Under unusual circumstances, participants may agree but are not obligated to accept pickups on less than 5 working days notice. Once shipments are accepted with less notice, the participant is obligated to the agreed pickup date.

**Performance or Origin and Destination Services. [old 5.4]**

All origin and destination services shall be performed between 8AM and 5PM, local time, on regular business days, excluding Saturdays, Sundays, local holidays, or U.S. holidays, unless mutually agreed upon in writing by the participant, the owner of the household goods or his designated representative, and the RTO, and no liability on the part of the Government will be incurred for overtime labor or any other additional charges. Participant must, if requested, produce a copy of this writing to an authorized inspector.

**Obtaining Another Agent - International Only. [old 5.18]**

The participant must obtain another approved agent within 30 calendar days of the cessation of the relationship between a participant and its designated agent.

**Transit Time. [old 5.1]****General. [old 5.1.1]**

Shipments handled pursuant to this HTOS and delivered directly to a residence or delivered to SIT at destination will be transported and delivered in accordance with the time periods specified in HTOS Paragraphs , , and , below, as appropriate, corresponding to the type, weight and distance of any shipment.

**Measurement Of Transit Times. [old 5.1.1.1]**

Transit time will be measured in calendar days from the date loading is completed to the date on which the shipment is offered for delivery at the residence, except when the last day of the transit time falls on Saturday, Sunday, local holiday, or a Federal holiday, then the next United States Government working day will be considered the last day of transit. In the event SIT occurs at origin, transit time will be measured based on the transportation from the point of SIT to the delivery residence.

**Transit Time Basis. [old 5.1.1.2]**

The transit times are based on the assumption that a participant will be given a minimum of five days notice before the pickup date of shipments. If less than five days notice is given the participant, the transit times will be increased one day for each day under the five day notice period.

**Interstate Transit Times. [old 5.1.2]**

Interstate transit times apply to shipments picked up at an address in one State and delivered to an address in another State, both States being in the continental United States, or picked up/delivered between an address in address in the continental United States and an address in Canada. The transit times in Section ?? are the maximum transit times in days applying to interstate shipments.

**Intrastate Transit Times. [old 5.1.3]**

Intrastate transit times apply to shipments picked up and delivered within the same State. The transit times in Section ?? are the maximum transit times in days applying to intrastate shipments.

**International Transit Times. [old 5.1.6]****Unaccompanied air baggage. [old 5.1.4]**

Transit time for unaccompanied air baggage is 15 days.

**Surface Shipments. [old 5.1.6.1]**

International transit times apply to shipments picked up/delivered between the named State, Trust Territory, or Possession of the United States and the named countries. The transit times in Section ?? are the maximum transit times in days applying to international shipments.

**DRAFT****Notice of Shipment Availability for Delivery - International Only. [old 5.14]****Availability for Delivery. [old 5.14.1]**

Upon notification from the participant/agent that a shipment has arrived and is available for delivery, the RTO will have 24 hours in which to confirm delivery arrangements. If delivery arrangements cannot be confirmed by the expiration of the 24 hour period, storage will be authorized and effective as of the date on which the 24 hour period expired.

**Delivery of Shipments Not Involving SIT. [old 5.14.2]****Arrival Prior to RDD. [old 5.14.2.1]**

For shipments that arrive prior to the RDD, participant will deliver to the owner or owner's agent prior to the RDD.

**Arrival After the RDD. [old 5.14.2.2]**

For shipments that arrive after the RDD, the participant will deliver in accordance with the instructions or within two workdays after notifying the destination RTO of the shipment's arrival.

**Notification of SIT Pickup/Delivery. [old 5.14.3]**

If requested by the RTO, the notification of SIT pickup or delivery availability on the afternoon preceding the scheduled pickup or delivery will be provided to the RTO.

**Notice of SIT Location. [old 5.3]**

A written electronic transmission, including facsimile or other form of notice of the SIT location (street address, City/state) together with a telephone number for the warehouse, as provided in , must be furnished to the RTO within five (5) calendar days after placement of the shipment in SIT or change in SIT location. The Property Owner must be notified as soon as possible after placement of the shipment in SIT or change in SIT location.

**Delivery From Storage in Transit. [old 5.2]**

Unless the property owner agrees to the contrary, delivery from SIT must be accomplished on the date requested, excluding Saturdays, Sundays, local holidays, and Federal holidays. If because of prior commitments, the participant cannot deliver on the day requested, delivery must be completed no later than three business days thereafter. If the shipment is not removed from the storage warehouse within three working days (excluding Saturday, Sunday, and holidays) after the delivery date requested, storage charges will cease to accrue as of the requested delivery date.

**Shipment Tracing. [old 5.7]**

When the owner of the household goods or RTO requests information concerning shipments in transit, participants will retain a written record as provided in of such requests and acknowledge and make a prompt report, by electronic transmission, including facsimile or other form of electronic transmission, if available, to the requestor as to the location of the shipment. Time frames for completing the above include seventy-two (72) hours for an international shipment, and twenty-four (24) hours on a domestic shipment, including interstate and intrastate.

**Notice of Concealed Loss/Damage. [old 5.15]**

Check this with provision in Section 10 and make sure th wording is coordinated.

In order for the participant to be liable as specified in Section 10.???? for loss and/or damage discovered by the owner within seventy-five (75) days after delivery (concealed), the Government or the property owner must notify the participant, in writing, of the loss and/or damage within seventy-five (75) days from the date of delivery.

**Acknowledgment and Settlement of Claims. [old 5.8]****Acknowledgment.**

The participant shall acknowledge directly, unless otherwise instructed, to the property owner all claims for loss and damage or delay within 10 calendar days after receipt.

**Settlement. [old 5.8.1]**

The participant shall make settlement of all claims for loss and damage or delay directly, unless otherwise instructed, to the owner of the property for any loss or damage for which the participant is liable within 30 days after receipt thereof.

**Delay in Settlement. [old 5.8.2]**

If the claim cannot be processed and disposed of within 30 days after receipt thereof, an additional 30 day period shall be available for settlement of the claim; provided, however, that the participant shall, at that time, advise the claimant and the RTO in writing or electronically of the status of the claim and the reason for the delay in making final disposition thereof

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and that participant shall retain a copy of such advice to the claimant in its claim file thereon. Failure to make settlement within the initial 30 day period, or the maximum 60 day period if proper notice is given, shall be construed as a refusal by the participant to settle the claim.

**Payment Of Transportation Charges For Partial Loss. [old 5.8.4]**

The participant shall refund in accordance with the provisions of HTOS Paragraph 7.7.2 that portion of its freight charges (including any charges for accessorial or terminal service) corresponding to that portion of the shipment which is lost or destroyed in transit at the time it disposes of claims of loss, damage, or injury to the articles in the shipment.

**Waiver of Requirements.****Requests. [old 5.5]**

Written confirmation of a request for a waiver of requirements, including requests for approvals as provided in , must be submitted to the RTO within five (5) business days of the verbal request. If the RTO has not issued the approval/waiver as required in HTOS Paragraph 8.1.1.3 through 8.1.1.25 in the time period specified in , below, the participant may contact the PMO for assistance.

**Issuance of an Approval or Waiver of Requirements. [old 5.6]**

The RTO shall issue the approvals required in HTOS Paragraph 8.1.1.3 through 8.1.1.25 or a waiver of requirements as provided in writing within seven (7) calendar days.

**Documents to be Furnished.****To Property Owner. [old 5.16]**

The documents specified in HTOS Paragraph 8.5.8.2 will be provided by the participant to the property owner within 7 business days after performance of the specified service.

**To the Responsible Transportation Officer. [old 5.17]**

The documents specified in HTOS Paragraph 8.5.8.3 will be provided by the participant within 7 business days after performance of the specified service, except that the DD Form 1840, when required by the Federal agency, will be provided within 30 days of shipment delivery.

**Reports to the RTO. [old 5.9]****Unusual Incidents. [old 5.9.1]**

A participant must report unusual incidents (see HTOS Paragraph 9.1) not later than the first working day after discovery by the participant.

**Pickup and Delivery. [old 5.9.2]**

A participant must notify the RTO and if practicable, the owner immediately upon in determining that scheduled pickup or delivery dates cannot be met.

**Report of Shipment Arrival - International Only. [old 5.9.3]**

Participant will notify the RTO and the employee within one (1) workday of a shipment's arrival at agent's facility, and advise of the shipment's first available delivery date.

**Agency Shipment Reports - International Only. [old 5.9.7.2]**

The report specified in HTOS Paragraph 9.9.2 (Shipment Report) will be provided to the shipping federal agency within not more than five (5) calendar days following date of pickup of a shipment in either CONUS or overseas.

**Claim Settlement Report. [old 5.8.3]**

Simultaneously with the transmission of the settlement to the employee, the participant will report to the RTO both the final action taken on any claim, including the date and the total amount of settlement.

**Notice of Reorganization/Bankruptcies. [old 5.9.6]**

The participant must report to the PMO the filing for reorganization or bankruptcy (see HTOS ) within ten (10) calendar days after the date of filing.

**Report of Loss/Damage Tracing. [old 5.9.7 and 5.9.7.1]**

In the event the shipping Federal agency requires the use of DD Forms 1840 and 1840R, the participant will report the results of the tracing action to the RTO in writing within thirty (30) working days of notification of loss.

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**Change in Designated Agent - International Only. [old 5.9.8]**

The participant must report to the PMO any change in its designated agents within 15 calendar days of the cessation of the participant-agent relationship.

**Report of Real Property Damage. [old 5.9.9]**

The participant will immediately notify the RTO in writing within 24 hours of any damages, however caused, to an employee's real property.

**Report of Shipments on Hand. [old 5.19.10]**

The carrier will provide the shipments on hand report specified in ITOS Paragraph 9.9.2.4 no later than 4 p.m., local time, on the first business day of the week.

**Commercial Port Level Report. [old 5.19.9]**

The carrier will provide the Commercial Port Level Report specified in ITOS Paragraph no later than 4 p.m., local time, on the first business day of the week.

**Reports to the PMO.****Shipment Reports. [old 5.9.5 and 5.9.5.1]**

The shipment report specified in HTOS Paragraph 9.9.1 shall be submitted to the PMO within sixty (60) calendar days after the end of each calendar quarter; provided, however, that participants submitting their reports electronically as required in HTOS Paragraph 9.9.1 may submit their reports more frequently.

**Claims Settlement Report. [old 5.9.4]**

The claims settlement report required in HTOS Paragraph 9.6 shall be submitted to the PMO within sixty (60) calendar days after the end of each calendar quarter.

**GSA Shipment Surcharge. [old 5.11]**

The participant must remit the GSA shipment surcharge specified in HTOS Paragraph 7.1.12 within sixty (60) calendar days after the end of each calendar quarter upon which the shipment reports specified in are required.

**Maintenance of Insurance. [old 5.12]****Notice of Termination.**

The cargo liability insurance certificate must provide that notice of termination or cancellation be furnished to the PMO thirty (30) days prior to such termination or cancellation.

**Submission of Certificate of Insurance. [old 5.10.2.2]**

Cargo insurance certificates meeting the requirements of Paragraph ?? must be submitted in accordance with the instructions set out in the Request for Offers.

**Maintenance of Performance Bond. [old 5.3]****Duration of Bond**

The bond is continuous until canceled by carrier or surety company. In the event a bond is canceled, it must be replaced effective close of business on the date of the canceled bond in order to maintain approval.

**Submission of Performance Bond. [old 5.1.2.3]**

Performance bond meeting the requirements of Paragraph ?? must be submitted in accordance with the instructions set out in the Request for Offers.

**Limitation of Action. [old 5.19]****Claims for Charges. [old 5.19.1]****Filing of Claims by Participants. [old 5.19.1.1]**

All claims and actions at law by participants for recovery of their charges on shipments subject to the provisions of this HTOS will be filed within three (3) years (not including any time of war) from the date of any one of the following: (1) Final delivery of the property; (2) Payment of the transportation charges thereon; (3) Subsequent refund of excess charges; or (4) Deduction of such excess charges from participant's account, whichever is later.

**Filing of Claims Against Participants. [old 5.19.1.2]**

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229 All claims and actions at law against participants for recovery of excess charges on shipments subject to the provisions of  
230 this HTOS will be filed within three (3) years (not including any time of war) from the date of payment of the charges  
231 thereon.

232 **Government's Breach of Limitation. [old 5.19.1.3]**

233 Provided, however, that if the limitation of actions set forth in this item is breached by the Government by the filing of a  
234 claim or action at law (other than by mistake or inadvertence) at a time other than stated in this HTOS Paragraph, this  
235 HTOS Paragraph will be of no force and effect and will be void ab initio.

236 **Claims for Property Loss/Damage. [old 5.19.2]**

237 The time frame for the filing of claims for property loss and damage shall be in accordance with the laws of the United  
238 States of America and the terms and conditions of the applicable Government bill of lading.